

FILED

DEC 11 2003

LARRY W. PROPS, CLERK
COLUMBIA, S.C.IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

COLUMBIA DIVISION

Dr. Jeffrey Morehouse,) Civil Action No. 3:03-887-22
)
Plaintiffs,)
)
vs.) MOTION OF DEFENDANT
Louisville Ladder Group, LLC,) LOUISVILLE LADDER GROUP, LLC
) TO EXCLUDE OPINION TESTIMONY
Defendants.) AND FOR SUMMARY JUDGMENT
)
)

The Defendant, Louisville Ladder Group, LLC, by and through its undersigned attorneys, hereby moves to exclude from evidence certain opinion testimony of Dr. Bryan Durig, a mechanical engineer retained by plaintiff as an expert, and, for summary judgment. This motion is made upon the grounds that the testimony of Dr. Durig demonstrates that his opinions fail to meet the admissibility criteria of Federal Rule of Civil Procedure 702 and Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993); therefore, Dr. Durig's opinions must be excluded. Furthermore, since excluding Dr. Durig's opinion testimony renders plaintiff's product liability action deficient as a matter of law, Louisville Ladder Group, LLC is entitled to summary judgment.

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This motion is supported by the attached memorandum, pleadings, and deposition testimony in this case.

NELSON MULLINS RILEY & SCARBOROUGH, L.L.P.

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12/11, 2003

CERTIFICATE OF SERVICE

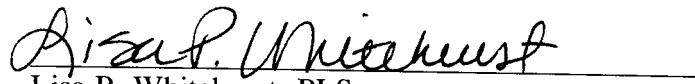
I, the undersigned Administrative Assistant, of the law offices of Nelson Mullins Riley & Scarborough, L.L.P., attorneys for Defendant, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

Motion of Defendant Louisville Ladder Group, LLC to Exclude Opinion Testimony and for Summary Judgment

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December 11, 2003